



Department of Planning and Zoning



What Is The Adequate Public Facilities Act?

WHAT IS THE PURPOSE OF THE ADEQUATE PUBLIC FACILITIES ACT?

The Adequate Public Facilities (APF) Act of Howard County, which became effective April 10, 1992, ensures that public roads, schools and other infrastructure are adequate to accommodate new development in the County. The APF Act promotes orderly growth by synchronizing new development with the availability of public facilities in order to achieve the goals and growth targets established by the 2000 General Plan. The APF process requires development projects to pass certain tests as a condition of subdivision or site development plan (SDP) approval, unless exempt by law. The APF process also guides County planning for the timely provision of school and road improvements.

WHAT ARE THE APF TESTS?

The APF Act requires that new development projects pass three tests of adequacy: 1) a housing unit allocations test, 2) a schools test, and 3) a roads test. Minor subdivisions (4 buildable lots or less) are exempt from the roads test.

APF tests are taken with the initial plan submission: the sketch or preliminary equivalent sketch plan phase for major subdivisions; the final plan phase for minor subdivisions (4 buildable lots or less); or the SDP submission for projects not requiring subdivision.

The APF tests are based on the conditions that are projected to exist at the time that the project puts traffic on the roads and children in the schools. The time required for projects to proceed through the subdivision and site plan review and construction processes to completion is approximately 3 years. For this reason, school and road conditions are evaluated for the third year after the APF testing date. Failure to pass an APF test will delay the project until APF requirements are met.

WHAT IS THE HOUSING UNIT ALLOCATIONS TEST?

A housing unit allocation is required for each new residential lot or apartment unit. A new housing unit allocation chart is prepared by the Department of Planning and Zoning (DPZ) and adopted each year by the County Council.

- **What Is The Housing Unit Allocation Chart?**

The housing unit allocation chart is derived from the 2000 General Plan target for residential growth projections by planning area. The chart indicates the projected number of housing unit allocations to be granted annually in each planning area for a 10 year period. The intent of the housing unit allocation concept is to achieve, but on the average not to exceed the General Plan annual targets of approximately 1,500 residential units per year between 2000 and 2020. To achieve this end, the general plan targets are adjusted upwards or downwards using a "rolling average" that reflects actual development activity.

- **How Are Housing Unit Allocations Granted?**

DPZ is responsible for assigning housing unit allocations to a residential project during the subdivision or site development plan review process. If housing unit allocations are available for the test year (3 years from the APF test date), tentative housing unit allocations are granted. If there are not sufficient remaining allocations available for the year the project is requesting them, the subdivision process is temporarily delayed until allocations are available in a later year. The project is subsequently placed in a waiting bin, on a first come first serve basis, and released from the bin when allocations become available.

If housing unit allocations are available, the schools test is applied to determine if the project passes the open/closed schools test.

WHAT IS THE SCHOOLS TEST?

School capacity must be adequate for a residential project to be approved. To avoid school over capacity, the APF process ties the pace of residential development to public elementary and middle school capacity. An "open/closed school chart" is prepared by the Howard County Public School System and adopted each year, concurrently with the allocation chart, by the County Council.

- **What Is The Open/Closed School Chart?**

The open/closed chart indicates for each year in a 10 year period, which elementary school districts, elementary school regions, and middle school districts are open for new residential development and which are closed. The open/closed school chart is based on the Department of Education's projections of student enrollment and school capacity. The test is applied at the time the project is approved for allocations.

- **How Is The Test Applied?**

If a project is in an area designated on the chart as a closed elementary school district, elementary school region or middle school district, the project is temporarily delayed in the subdivision or site development plan process until all three become open. This means that a project could not be approved unless the Howard County Public School System builds a new school, adds on to an existing school or, through redistricting, reassigns students so that the children generated by the new development can be accommodated. A project can be delayed up to four years at the initial plan submission stage for reason of inadequate schools. If the Department of Education has not resolved the adequacy problem within four years, the project may proceed forward in the subdivision or site development plan process.

WHAT IS THE ROADS TEST?

All major subdivisions and site development plans are required to pass the test for adequate road facilities, unless exempt by law. The roads test requires the applicant to submit a traffic study in accordance with the Howard County Design Manual (Chapter 4).

- **How Is The Test Applied?**

The APF traffic study is reviewed by the DPZ, Development Engineering Division as part of the initial plan submission. DPZ is responsible for determining if the project passes the roads test. The APF roads test must analyze the impact of the proposed development on the first major road intersection in all directions within 1.5 road miles of the property entrance, if the site is located in the eastern metropolitan area of the County, and within two road miles if in the western rural area of the County. The intersections which are evaluated in the east are those where major collector or higher classification roads meet; and in the west, intersections of minor collectors or higher classification roads.

- **What Are The Road Test Adequacy Standards?**

The major intersections must function at a level of service "D" or above for County roads and a level of service "E" or above for State roads. Level of service (LOS) is a quantitative and qualitative measure of how well an intersection is functioning. LOS ratings range from "A" to "F" with LOS "A" representing uncongested, free-flow traffic conditions, and LOS "F" representing highly congested "stop and go" traffic. The average daily traffic and peak hour traffic counts are the basic indicators used in determining level of service.

If the traffic at the relevant intersections meets or exceeds the level of service standards, the project passes the roads test. If the level of service is below the requirements, the applicant must mitigate for the additional traffic generated by their development by making improvements such as adding a travel or turn lane, contributing a fee-in-lieu of the required improvements or reducing the scope of the development to meet the minimum level of service requirements. Applicants are advised to contact the DPZ, Development Engineering Division, for additional information concerning APF roads test requirements.

WHAT HAPPENS AFTER A PROJECT PASSES THE APF TESTS?

DPZ coordinates the interagency APF testing process. Once the project passes all the APF tests, DPZ monitors the processing of all subsequent plans to ensure that the applicant complies with all approval conditions and plan processing deadlines until the project completes the County's plan review process. Permanent housing unit allocations are granted when all requirements have been met (final plat recordation or SDP approval).

ARE THERE EXEMPTIONS FROM THE APF ACT?

Yes, the main exemptions are:

- Parcel divisions or resubdivisions that do not increase the number of lots or units allowed.
- Minor subdivisions and resubdivisions which create the potential for only 1 additional dwelling from a lot existing on April 10, 1992 in the Rural West
- Agricultural preservation subdivisions.

- Minor subdivisions and resubdivisions which create the potential for only 1 additional dwelling from a lot existing on April 10, 1992 in the east to remedy a documented financial hardship or to convey to an immediate family member

AN IMPORTANT NOTE . . .

This brochure is meant to provide a basic understanding of the Adequate Public Facilities process and purpose. It is not intended as a substitute for the APF Act or the Subdivision and Land Development Regulations.

For more information contact:

The Howard County Department of Planning and Zoning

(410) 313-2350, TTY 410-313-2323 or www.howardcountymd.gov or visit Planning & Zoning's Customer Service Center on the first floor of the George Howard Building, 3430 Courthouse Drive, Ellicott City, Maryland, 212043.

Office Hours are:

Monday through Friday

8:00 a.m. to 5:00 p.m.

Written inquiries may also be sent to our office at the above address.

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